

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 27 , 2008

08 MJ 1638

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pascual MARTINEZ-Carranza,

Defendant

Magistrate Docket No.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **May 23, 2008** within the Southern District of California, defendant, **Pascual MARTINEZ-Carranza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James E. Bailey  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27<sup>th</sup> DAY OF MAY, 2008

Jon Adler

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Pascual MARTINEZ-Carranza****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On May, 23 2008, at approximately 7:00 a.m., Border Patrol Agent J. Trautman noticed fresh foot sign traveling northbound across a road in Boulevard near an area known as LDLD. This area is located approximately three miles north of the United States/Mexico International Border and approximately eight miles west of the town of Jacumba, California. Jacumba, California is located approximately 25 miles east of the Tecate, California Port of Entry. Agent E. Gallo and Agent Covarrubias positioned themselves north of where the foot sign was initially located. Agent E. Gallo saw 15 individuals walking north across a road known as McKay. McKay road is approximately one mile north of LDLD road. Agent E. Gallo directed Agent J. Covarrubias to where the individuals were and Agent J. Covarrubias encountered 11 individuals. Agent J. Covarrubias identified himself as a Border Patrol Agent, and questioned the subjects as to their citizenship. Each of the 11 subjects freely admitted to being citizens of Mexico and to being in the United States without immigration documents that would allow them to remain in the United States legally.

Agent E. Gallo saw four other individuals that had separated from the initial group that were running north from McKay road. Agent J. Darby positioned himself north of McKay road. Agent E. Gallo advised Agent J. Darby that the group of four were headed to a rock pile known as Marshals North Rock File, which is located approximately one mile north of McKay road where the other 11 individuals were apprehended. Agent J. Darby went to the rock pile and encountered four individuals, including the defendant Pasqual MARTINEZ-Carranza, an individual later identified. Agent J. Darby identified himself as a Border Patrol Agent, and questioned the subjects as to their citizenship. Each of the four subjects freely admitted to being citizens of Mexico and to being in the United States without immigration documents that would allow them to remain in the United States legally. All of the 15 subjects were then taken into custody and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 11, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on May 24, 2008 at 9:35 p.m.

*A. Vela*  
\_\_\_\_\_  
Allen Vela  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 23, 2008, in violation of Title 8, United States Code, Section 1326.

*Judith Adler*  
\_\_\_\_\_  
Jan Adler  
United States Magistrate Judge

*5/24/08 @ 10:20 p.m.*  
\_\_\_\_\_  
Date/Time